IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.3425 (SS) OF 2001

1. Bhagwati Sharan Azad, S/o Ram Charan S.I.M.
2. Krishna Autar Varshney, S/o Puran Mal Gupta, S.I.M.
3. Dharam Veer Singh, S/o Sheesh Ram , S.I.M.
4. Bhuwan Chandra Pandey, S/o Damodar Pandey, ASI (M)
5. Rave Saxena A.S.I.(M).
6. Prahlad Singh, S/o Laxman Singh Constable (M),
7. Jitendra Singh, S/o Dhakur Singh, Constable (M),
8. Ambrish Kumar Gargar, S/o late Sri Raj Bahadur Dargar A.S.I. (M).
9. Smt. Baran Jeet Kaur, D/o Indra Jeet Singh, A.S.I.(M).
10. Prakash Chandra Kulara, S/o Pitambar Dutt, ASI (M)
11. Tej Bahadur Gangwar, S/o Tilak Ram Constable (M),
12. Jadgdish Chandra Pandey, S/o Moti Ram,
13. Ram Nath Gupta, S/o Prabhu Dayal Gupta ASI (M) Office of S.P. U.S. Nagar.
14. Netra Pal Singh, S/o Prabhu Dayal Gupta, ASI (M) Office Of S.P. U.S. Nagar.
15. Bhagwan Singh Bisht, S/o Prem Singh, A.S.I. (M) R/o Office of SP Udham Singh Nagar.
16. Jai Prakash Sharma, S/o Mahaveer Singh ASI (M),
17. Brijesh Singh Sharma, S/o Vasu Deo Sharma, Constable (M),
18. Atar Singh S/o Udal Singh Constable (M),
19. Yogendra Dutt Joshi, S/o late Bala Dutt Joshi, Constable (M),
20. Vipin Chandra Bhatt, S/o Girish Chandra Bhatt, ASI (M),
21. Punam Pal, W/o Rajesh Singh ASI (M).

Versus

1. The State of Uttaranchal, through the Secretary Home Department Govt. of Uttaranchal, Dehradun.
2. The Director General of Police Uttar Pradehs Lucknow.
3. The Director General and Inspector General of Police Uttaranchal, Dehradun.
4. Superintendent of Police Udham Singh Nagar.
5. Anwar Alam, SIM S.P. Office Udham Singh Nagar.
6. Usha Singh, S.I. (M) S.P. Office Udham Singh Nagar.

.....Respondents.

Sri. S.S. Yadav, Advocate for the petitioner.
Learned Standing Counsel for the State of Uttaranchal
Learned Standing Counsel for the State of U.P.

20.02.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioners have prayed for a writ of mandamus commanding the respondents and directing them to give extra salary in each calendar year since 23.09.1991 to all the petitioners and Motor Cycle subsidy gave to the petitioners.

2. Briefly stated, the petitioners are working in the office of the police superintendent Udham Singh Nagar on the several rank of Ministerial and not enjoying one month's extra salary in each calendar year.

3. Learned counsel for the petitioners has submitted that the some police employees are getting one month's salary extra of the calendar year by the G.O. No. 7793/eight-1.3.1979 on 7.12.79 according to this Govt. Order Police employees can not use second Saturday and Sunday of the month, hence they will be paid one month' extra salary of the calendar year.

4. All the concerned petitioners are working on second Saturday and Sunday of each month in the office of the Superintendent of Police Udham Singh Nagar, therefore, they are entitled to get the benefit of the same but the respondents are not giving the benefit to the petitioners.

5. Learned counsel for the petitioners has submitted that some of the police employees has filed a writ petition before the Hon'ble Allahabad High Court as Writ petitioner No. NIL/93 (Krishna Gopal Srivastava and 118 others Vs. State Govt) and they are now getting one month's extra salary from 23.9.1991 in each calendar year and Motor Cycle Subsidy according to the order passed in Writ Petition No. 6700 of 1986 K.K. Mishra and others Vs. State Govt. passed on 23.09.1991 and arrears of salary from 23.09.1991, to 31.12.1999, which has been deposited in the Provident Fund Accounts of the employees.

6. Learned counsel has further submitted that when the aforesaid order was not complied with by the authority concerned, the petitioners preferred a Contempt Petition No. 2750/99 Krishna Gopal Srivastava and others Vs. State of U.P. and on the result of that contempt, the Government issued a G.O. dated 15th March, 2000 and gave direction to the authority concerned to pay the entire arrears since 1991 and one month extra salary in each calendar year along with Motor Cycle Subsidy.

7. The respondents no. 6 and 7 made representation for the aforesaid benefit in the light of said G.O. and then respondent no. 2 started to pay all the benefit which mentioned in the G.O. No. 790/ 6Pu./2000/

8. In this regard the petitioner have already made number of representations before the respondent no. 2 prior to division of State and latest applications on 03.02.2001, 02.03.2001, 03.05.2001 have been filed by the petitioners respectively.

9. The short submission of the petitioners is that their representation may be disposed of by respondent no. 2 Learned counsel for the petitioners has referred to a decision of Alahabad High Court (Lucknow Bench) in Writ Petition No. 6700 of 1986- K.K. Mishra and others Vs. State of U.P., which was relied in Writ Petition No. 141 of 2000 Vijay Prakash Srivastava and others Vs. State of U.P. and others. Following direction was given in the aforesaid judgment:

"In view of what has been indicated herein above the writ petition succeeds. The writ in the nature of certiorari is issued quashing the order dated 08.05.1985 contained in Annexure-19 of the writ petition.

A writ in the nature of mandamus commanding the opposite parties to grant special work allowance, special pay, fixed house rent allowance, motor subsidy and one month's

extra pay to the petitioners who are working in the ministerial cadre of the U.P. Police Force in Intelligence Department at Paa with the equivalent category of officers/office is balancing to the executive cadre working in the executive departments w.e.f. today, is also issued."

10. The petitioners shall refer the judgment at the time of hearing of the representation. The Standing Counsel has also submitted that the representation itself shall be disposed of within a period of six weeks after presentation of the copy of this order. Liberty is given to the petitioner to file fresh representation.

11. In view of the above, respondent no. 2 is directed to disposed of the representation of the petitioners within six weeks of the production of the certified copy of the order.

12. Consequently, subject to the aforesaid observations writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

20.02.2006

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